

TIMOTHY J. HEINSON, OSB #872480  
*tim@heinsonlaw.com*  
19530 SE Sunnyside Rd.  
Damascus, OR 97089  
Telephone: (503) 479-6223  
Facsimile: (503) 479-6223  
Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

WILLIAM G. BROWN,	)	Civil Action No. 3:22-cv-1028
	)	
Plaintiff,	)	
vs.	)	COMPLAINT FOR PERSONAL INJURY
	)	
UNITED STATES POSTAL SERVICE, an	)	REQUEST FOR JURY TRIAL
Independent Agency of the United States of	)	
America,	)	
	)	
Defendant.	)	

**NATURE OF THE ACTION**

1. This action arises under the Federal Tort Claims Act, 28 U.S.C. § 2671, et seq. against defendant United States Postal Service (USPS) and its employee for negligence, carelessness, and recklessness. On or about July 17, 2020, the USPS employee was operating a USPS motor vehicle that struck plaintiff William Brown while he was a pedestrian at or near 5918 SE 122<sup>nd</sup> Ave, Portland, Multnomah County, Oregon, causing personal injuries and damages to plaintiff.

**PARTIES**

2. At all material times, plaintiff William Brown was a resident of Multnomah County, Oregon.

3. At all material times, defendant United States Postal Service (USPS) was and still is a United States Federal Agency and business entity duly organized, formed and existing under the laws of the United States of America, and an independent establishment of the executive branch of the government of the United States as a quasi-government agency.

4. At all times hereinafter mentioned, the vehicle that struck plaintiff was owned by USPS and operated by an employee of USPS, whose name is not known to plaintiff, in the course and scope of his employment. USPS is therefore vicariously liable for the actions of the employee.

### **JURISDICTION AND VENUE**

5. The Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1346(b), which provides that the United States District Courts have exclusive jurisdiction of civil actions on claims against federal agencies.

6. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 because the events giving rise to plaintiff's claims occurred in this District, and because defendant conducted regular business in this District.

### **CLAIM FOR RELIEF**

#### **(Negligence)**

7. On or about July 17, 2020, plaintiff William Brown was a pedestrian in the parking lot of 5918 SE 122<sup>nd</sup> Ave., Portland, Oregon, speaking with the USPS employee, who was seated in a USPS vehicle and in the course and scope of his employment with USPS.

8. While plaintiff was speaking with the USPS employee regarding delivery of mail by the employee, the employee drove the vehicle forward, striking plaintiff.

9. Defendant USPS was negligent in the following particulars, each of which created a foreseeable and unreasonable risk of injury to plaintiff:

- a. Failing to keep a proper lookout;
- b. Failing to exercise due care;
- c. Failing to keep the USPS vehicle under proper control;

- d. Failing to drive around, rather than into, plaintiff;
- e. Operating the vehicle at an unreasonable speed under the circumstances.

10. Defendant's negligence was a substantial factor in causing the collision and plaintiff's injuries. As a result of the defendant's negligence, plaintiff suffered injuries, including the following:

- a. Fracture of the left malleolus;
- b. Fracture of the T-1 vertebrae;
- c. Strains and sprains of the cervical spine, thoracic spine and lumbar spine;
- d. Aggravation of pre-existing degenerative changes in the spine.

11. As a further result of defendant's negligence, plaintiff has incurred medical and related expenses in the approximate amount of \$26,000.00, the exact amount to be proven at trial.

12. As a further result of Defendants' negligence, Plaintiff has suffered pain, distress, discomfort, inconvenience and interference with normal and usual activities, and will continue to suffer in the future, to his non-economic damages in the amount of \$150,000.

#### **CONDITIONS PRECEDENT**

13. On or about November 25, 2020, plaintiff served upon defendant United States Postal Service a sworn Claim for Damage, Injury or Death (Standard Form 95) pursuant to the provisions of the Federal Tort Claims Act, containing all the information required by statute.

14. More than 18 months have passed from the date of service of said Claim for Damage, Injury or Death, and Defendant USPS has failed to adjudicate or make any decision regarding accepting or denying the claim.

#### **DEMAND FOR JURY TRIAL**

15. Plaintiff demands a trial by jury to the extent authorized by law.

**WHEREFORE**, Plaintiff prays for judgment as follows:

- 1. Awarding economic and noneconomic damages against defendant in amounts to be determined at trial in accordance with the allegations and claims set forth above;
- 2. Awarding plaintiff litigation expenses/costs against defendant;

3. Granting such other relief as may be just and proper.

DATED this 14<sup>th</sup> day of July, 2022.

HEINSON LAW, LLC.

By: /s/ Timothy J. Heinson  
Timothy J. Heinson, OSB No. 872480  
[tim@heinsonlaw.com](mailto:tim@heinsonlaw.com)  
Of Attorneys for Plaintiff